

1906-023 Chancery Causes: W. D. Dingus vs. Lizzie Dingus  
Lee Co.

Stacy

CA-Divorce  
T-Vices

-Correspondence



To the Hon. H. A. W. Skeen, judge of the circuit court for Lee County:  
W. D. Dingus,

Humbly Complaining, your orator, a citizen of Lee County, Virginia,  
would respectfully represent unto your honor that heretofore, to-wit  
on the                      day of May, 1905, he intermarried with one Lizzie  
Stacy; that he and she lived happily together as man and wife until  
along some time last Fall, when he went away from home to do some  
work; that on his return home to his wife, he was informed that in  
his absence his said wife had been untrue to him by having carnal  
intercourse with one J. H. Dingus, but the trust of such a report, your  
orator was very loath to believe, but on investigation, he learned  
the truth of the charge.

Your orator will further show and allege that the said Lizzie  
Dingus, without the knowledge, consent or connivance of himself, has  
had carnal intercourse with the said J. H. Dingus and others whom  
your orator does not now know, and has been guilty of adultery with  
*within the last year next preceding this date*  
the said J. H. Dingus; that since he had information of the adulterous  
acts of his said wife, he has not lived or co-habited with her, or in  
any way condoned her said offense; and that he is now, and has been  
for more than a year previous to the institution of this suit a  
resident of this county and State; and that the said Lizzie is also  
a resident of this county, and they last cohabited together in this  
County; *and that the said adulterous acts of the said Lizzie were committed in Lee Co. Va., at home of said*

The premises considered, your orator is advised that he has  
a right under the laws of this State to have a divorce from his said  
wife a vinculo matrimoni, and his prayer therefore is that the said  
Lizzie Dingus be made a party defendant to this bill of complaint;  
that she be required to answer the same but she need do so on oath as  
that is waived; that he be awarded on the final hearing of this  
cause a decree of divorce a vinculo matrimoni, for ever dissolving  
the bonds of matrimony now existing between him and her. And that all  
other and further relief be awarded to him that the nature of his  
case may require. And he will ever pray, etc.

Pennington Bros. P.Q.

*Complainsant about the previous of your*



W. D. Singus

vs } Bill

Sizzie Singus



W. D. Dingus, Compl't.

Vs.

Lizzie Dubgus, Deft.

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)  
)  
)  
)

Amended Bill.

To the Hon.H.A.W.Skeen,Judge of the Circuit Court for Lee County:

Your Complainant,W.D.Dingus,a citizen for Lee County,Virginia,  
Respectfully represents:

1. That on the First Monday in April, 1906, he exhibited in this Court his original bill of complaint against Lizzie Dingus, wherein he set out that on the                day of May, 1905, he intermarried with the said Lizzie Dungus; that he and she lived hapily together as man and wife until along some time last Fall, (meaning the Fall of 1905), when he went away from home to do some work: that on his return home to his wife, he was informed that in his absence his said wife had been untrue to him by having carnal ~~xxxxxxxx~~ intercourse with one J.H.Dingus, but the truth of such report, he was very loath to believe, but on investigation, he learned the truth of the charge; that the said Lizzie Dingus, without the knowledge, consent or connivance of himself, had had carnal intercours with the said J.H. Dingus and others whom he did not know, and had been guilty of adultery with the said J.H.Dingus, with the year next preceeding the institution of his said suit, and filing of his original bill; that since he had information of the adulterous acts of his said wife, he had not lived or co-habited with her, or in any way condoned her said adulterous acts; that he was then at the time of the filing of his original bill a resident of this county, and that they last co-habited together in said county of Lee.

And thereupon your complainant prayed that the said Lizzie Dingus be made a party defendant to said original bill; that she be required to answer the same, but not on oath; that he be awarded on a final hearing of the same a decree of divorce a vinculo matrimonii for ever dissolving the bonds of matrimony existing between her and him; and for general relief.

2. That process was duly insued by the clerk of said court and the same duly served; but the said Lizzie at the first April Rules, 1906,



appeared to said original bill and filed her demurrer and answer, ~~and~~ at the May Term, 1906 of your honor's court, and thereupon your Honor decreed that the demurrer of said defendant be sustained, with leave to your complainant to amend his said original bill at rules.

(3). That your complainant on the                      day of May, 1905, was lawfully married to the said Lizzie, whose maiden name was Lizzie Stacy; and

4. That continuously from the date of their said marriage until the                      day of                      1906, your complainant and the said Lizzie lived together as man and wife on his farm in Lee County, Virginia, on the Blackwater country; and

5. That after the date of their said marriage, your orator went away from home to work for a while selling fruit trees; and

6. That he was gone away from home selling fruit trees something like                      months, but before going away, he made arrangements with                      a merchant of his neighborhood to let his said wife have any thing she wanted to live upon or needed while he was away at his work, and while he was so away from <sup>home</sup> she did get goods at said store and have the same charged to your orator, and he has since paid the account; and

7. That when he left as aforesaid for the purposes aforesaid, he left his wife at their home on his farm, with a little sister of hers;

8. That while your orator was away from home selling fruit trees, one J.H. Dingus, came to his house in said County where he and his <sup>said J. H. Dingus was</sup> said wife made their home, and spent the night there, and while there, the said Lizzie got into the bed where the said J.H. Dingus was sleeping, and then and there she had <sup>sexual</sup> intercourse with the said J.H. Dingus, some three or four times on that night; that these adulterous acts of the said Lizzie were committed sometime in January, 1906; and that after the night aforesaid, the said J.H. Dingus in Lee County, Va., and on the premises of your orator, and <sup>at</sup> divers times, had sexual intercourse with his said wife; and



9. That on the                      day of January, or February, 1906, your Complainant came home from his said work, and heard of the said adulterous acts of his said wife, to his great shame and surprise; and that upon obtaining such knowledge he left her, and has not since lived xxxx or cohabited with the said Lizzie, or in any way condoned her said offense, but has lived separate and apart from her since that time; and that at the time of the institution of his said suit and the filing of this amended bill it had not been five years since the said adulterous acts occurred, and that they were not committed by the procurement or connivance of your complainant; and that

10. That both your orator and said Lizzie Dingus have resided, and                      and County been domiciled in this State, ever since their said marriage, and for more than one year next preceeding the commencement of this suit, and are now domiciled and reside in this State and County; and

11. That your complainant last cohabited with the said Lizzie at his home, in Lee County, Virginia, on Blackwater Creek .

The premises considered, your complainant prays that the said Lizzie Dingus be made a party defendant to this amended bill; that she be required to answer the same, but she need not do so on oath as that is waived; that she be required to answer both the said original Bill filed in this cause, and this amended bill, but not on oath as that is waived; that a divorce from the bond of matrimony which was created by the aforesaid marriage be decreed him, for ever dissolving the bond of matrimony existing between him and her; and that your complainant may have all such further and other relief in the premises as the nature of his case may require or to equity shall seem meet. And he will ever pray, etc. May proper process issue, etc.

Flemington Bros.                      P.O.



W. S. Singer

vs. } Amended Bill

Sizzie Singer.

1906, 1<sup>st</sup> Aug. Rules.

Amended bill filed,  
& Spa executed.

" 2<sup>nd</sup> Aug. Rules  
Cause set for  
hearing.



H. D. Dingus

vs

Lizzie Dingus

} In Chancery

Demurrer of Lizzie Dingus to a bill  
filed against her in the Circuit Court  
of Lee County Virginia.

For demurrer thereto the respondent  
says the bill is not sufficient  
in law to require <sup>her</sup> to answer.  
and for grounds to said  
demurrer, she says that no  
time nor place is alleged in said  
bill where said alleged  
adultery is said to have been  
committed.

Wm. Kael, for Deft.



H. D. Dingas

vs. { Demr.

Liggie Dingas

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Filed May 22<sup>nd</sup> 1906.



To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia.

The demurrer and answer of Lizzie ~~Dingus~~ to the bill filed in this honorable court against her by W. D. Dingus. For demurrer thereto respondent says, that the plaintiff's bill is not sufficient in law and she demurs thereto.

But should any other <sup>or</sup> further answer be necessary, answering she says, it is true that she and the said plaintiff were married and lived together as man and wife, as stated in said bill, until on or about the \_\_\_\_ day of \_\_\_\_\_, 1905, her said husband, without cause, abandoned her, and they have not since lived together. But it is not true that she became, and was, ~~an~~ untrue to her said husband by having carnal intercourse with one J. H. Dingus or any other person, and she has not been guilty of adultery.

Your respondent alleges that her said husband is the owner of considerable real and person property. He owns a tract of land in Lee County Virginia worth \$1000.00 and is the owner of personal property worth \$\_\_\_\_\_, in said county, while your respondent is poor and penniless and has no means of support except her labor, and she prays that the said plaintiff be required to furnish to her, or her attorney, at once, the sum of \$1000.00 for temporary allimony and suit money, to enable her to make her defense in this cause, and that he be required to pay her such sum annually as may be reasonable for her support and maintainance, and that all such decrees and orders, that may be necessary, be made from time to time in the cause. And that this answer, if necessary, be treated as a cross bill, and the plaintiff required to answer the same, but not under oath, answer under oath being waived. And that your respondent be finally dismissed with her reasonable costs, And your respondent will ever pray &c.

Ans & Verdict for Deft.



Liggie Dingus  
advs Deur & Aus  
3  
W. D. Dingus

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Filed Apr. 3, 1906.  
1st April Rules, 1906.

H. C. Ewing  
Clerk

a *minuscule* *mathematical*



To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia.

The demurrer and answer of Lizzie Dingus to the original and amended bill filed in this honorable court against her by W. D. Dingus. For demurrer thereto respondent says, that the plaintiff's bill is not sufficient in law and she demurs thereto.

But should any other or further answer be necessary, answering she says, it is true that she and the said plaintiff were married and lived together as man and wife as stated in said bill, until on or about the \_\_\_\_\_ day of \_\_\_\_\_, 1905, when her said husband, without cause, abandoned her, and they have not since lived together. But it is not true that she became and was untrue to her said husband by having carnal intercourse with one J. H. Dingus or any other person/ and she has not been guilty of adultery.

Your respondent alleges that her said husband is the owner of considerable real and personal property. He owns a tract of land in Lee County, Virginia, worth \$1000.00, and is the owner of personal property worth \$\_\_\_\_\_, in said county. While your respondent is poor and penniless and has no means of support except her labor, and she prays that the said plaintiff be required to furnish to her, or to her attorneys at once, the sum of \$100.00 for temporary alimony and suit money, to enable her to make her defense in this cause, and that he be required to pay her such sum annually as may be reasonable for her support and maintenance, and all such decrees and orders, that may be necessary, be made from time to time in the cause. And that this answer if necessary, be treated as a cross bill and the plaintiff required to answer the same, but not under oath, answer under oath being expressly waived. And that your respondent be finally dismissed with her reasonable costs. And your respondent will ever pray &c.

Or + Keel, for Deft.



Lizzie Dingus.  
also { Omer & Aud  
W. D. Dingus.

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Filed at Mt Aug'  
Rules 1906.

H. C. T. Ewing, clerk.



Wm. D. Dingus, Plaintiff.

vs.

Decree Final.

Lizzie Dingus, Defendant.

This cause came on this day to be heard upon the bill ~~xxxix~~ and amended bill of the complainant, the answer of the said Defendant, and the deposition of witnesses and exhibits filed with the depositions, and was argued by counsel:

On consideration of all which and from the pleadings and proff in said cause, the court being of opinion that the said defendant has been guilty of adultery without the procurement or connivance of said complainant, and that the said complainant at the bringing of his suit was and had been for more than a year next preceeding a resident of this county and ~~xxx~~ state, and that process has been duly served upon the said defendant in person, it is therefore adjudged, ordered and decreed that the said Complainant be and is hereby awarded a divorce a vinculo matrimonii, for ever dissolving the bonds of matrimony heretofore existing ~~xxxxxxx~~ between the said complainant and defendant, and that each of said parties is divorced one from the other.

And it is further adjudged, ordered and decreed that the said complainant recover from the said defendant his costs in this behalf expended. And this cause is stricken from the docket.



W. D. Dingus,

Vs. Decree Final.

Lizzie Dingus.

*Entered in C.O.B.  
#8, page 217-*

Enter this,

Sept., 24, 1906.

J. C. L. S. L.  
Judge.



W. D. Duggan

vs

Lizzie Duggan.

This cause came on the  
18<sup>th</sup> day of August, 1900, in va-  
cation of the county Circuit  
Court, upon motion of the  
defendant to be heard upon  
the bill of the plaintiff. The an-  
swer of the defendant, affi-  
davit on behalf of the defen-  
dant and was argued by  
counsel, on consideration of  
which it is adjudged, read  
and decreed that the plaintiff  
pay to the defendant or her  
attys \$25<sup>00</sup> within ten days  
from this date, to enable her  
to ~~defend~~ ~~set up~~ ~~her~~ ~~state~~  
defense to this suit.

H. A. W. Stone  
Judge

To  
H. L. J. Ewing  
Clerk.



U.S. B. Angus

OS { Wren

Lizzie Angus

Ensl  
Hawd.

Entered in C.B. #

8, page 191. Aug. 21,

1906.

H.C. Ewing, Clerk  
By M. E. Stanley, D.C.



W. D. Dingus,

Plaintiff.

vs.

In Chancery.

Lizzie Dingus

Defendant.

This cause came on ~~again~~ to be heard upon the bill of the plaintiff, the porcess executed on the defendant, the cause set for hearing by the plaintiff, and the deposition of J. H. Dingus, and exception to the said deposition by the defendant, and demurrer by defendant to plaintiff's bill and joinder therein, and was argued by counsel.

On con sideration thereof, it is adjudged, ordered and decreed that the exception to the said deposition taken by the plaintiff be and the same is sustained, and said deposition quashed, with leave to the plaintiff to retake the same. And on further consideration it is adjudged, ordered and decreed that the demurrer of the defendant to the said plaintiff's bill be and the same is hereby sustained and the cause is remanded to rules with leave to the plaintiff to amend his bill, if so advised. And the motion of the <sup>d</sup>defenant for suit money is postponed for future consideration and determination.



W. D. Dingus  
as { Decree  
Lizzie Dingus

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Entered in C.O.B.  
#8, page 156.

Enter this Decree.

H. A. W. S. Keene

May 22nd 1906.



To Lizzie Dingus:

You are hereby notified that on the 2nd day of April, 1906,  
at the law office of R.L. Pennington, in the town of Jonesville, in  
Lee County, Virginia, between the hours of 10 A.M. & <sup>4</sup> P.M. of that  
day, I shall proceed to take the depositions of J.H. Dingus and  
others, to be read as evidence in my behalf, in a certain suit in  
chancery, depending in the Circuit Court for Lee County, Virginia,  
wherein I am plaintiff and you are defendant. And if from any  
cause the taking of the said depositions be not ~~xxxxxxxx~~ commenced  
on that day, or if commenced be not concluded in that day, the taking  
thereof will be adjourned from day to day and from time to time  
at the same place and between the same hours, until the same shall  
be concluded.

Yours very truly,

W. D. Dingus.

Lizzie - Green Bos P.Q.



W. D. Singer

vs. notice

Siggie Singer

Executed on the  
10 day of March,  
1906 by delivering  
a true copy of the  
within notice to  
Siggie Singer -  
This 10 day of  
March, 1906

E. H. Mahan S.S.

for P. M. Ball  
S. L. C.



The deposition of J.H.Dingus, taken before me, W.K.Hopkins, a commissioner in Chancery for Lee County, Virginia, pursuant to notice hereto annexed, at the law office of R.L.Pennington, in the town of ~~Rennix~~ Jonesville, in Lee County, Virginia, on the 2nd day of April, 1906, between the hours of 10 A.M. & 4 P.M. of that day, to be read as evidence in behalf of the plaintiff, in a certain suit now pending in the Circuit Court for Lee County, Virginia, wherein W.D.Dingus is plaintiff and Lizzie Dingus is defendant.

Present - E.W.Pennington Attorney for the Plaintiff,

" No one for the defendant.

J.H.Dingus, a witness of lawful age after being duly sworn, deposes as follows, to-wit:

Qes. 1. Give your name, age, residence and occupation.

Ans. My name is J.H.Dingus; I am 27 years old; reside at Kiles Ford, Tennessee; and am a farmer.

Ques. 2. Are you acquainted with W.D.Dingus, the plaintiff in this suit, and Lizzie Dingus? If you say you are, tell about how long you have known them?

Ans. I am acquainted with said W.D. & Lizzie Dingus. I have known W.D. Dingus ever since I can recollect; I have known Lizzie Dingus for about six or seven years.

Ques. 3. If you know about when were the said W.D. & Lizzie Dingus married to each other?

Ans. They were married to each other some time in May, 1905.

Ques. 4. What was the maiden name of the said Lizzie, before she married the said W.D.Dingus?

Ans. Lizzie Stacey.

Ques. 5. About how long did the said W.D. & Lizzie Dingus live together as husband and wife, if you know?

Ans. They lived together as man and wife, until some time January or February, 1906.

Ques. 6. Where does the said W.D.Dingus live, and make his home, and how long has he been so living?

Ans. He lives on Blackwater in Lee County, Virginia, and has been so



living in said county and State, and a resident of the same since some time in January, 1905. And is still living in the same.

Ques. 7. Do you know whether the said Lizzie Dingus, the wife of said W.D. Dingus, since her marriage with the said W.D. Dingus, has been guilty of adultery; that is has had carnal intercourse with some other man than her said husband? If so, state when, where, and about how ~~afax~~ often, if you know, and with ~~him~~ whom, has she been so guilty?

Ans. On the night of the 14th day of January, 1906, I went to W.D. Dingus's house and stayed all night; after I went to bed she the said Lizzie, came and got in bed with me, and I had intercourse with her four times that night and twice the next day. Then some time after this instance, and also in the month of last January, I was with her two nights, and had sexual intercourse with her; then after this a stayed all night with her, and the next ~~way~~ we stayed together in a barn. This was all in Lee County, Virginia.

Ques. 8. Was Mr. W.D. Dingus at home, or about the place while you were staying and having intercourse with the said Lizzie?

Ans. He was not. He was away from home, somewhere selling fruit trees. When I stayed all night with the said Lizzie as above detailed, there was there a little sister of the said Lizzie staying with her, about 9 or 10 years old and <sup>a</sup> little child.

Ques. 9. State whether the adulterous acts spoken of by you were brought about by the consent, connivance or procurement of the said W.D. Dingus?

Ans. No; they were not. He knew nothing about it, until it was all over with.

Ques. 10. Since the said W.D. Dingus, learned of the unfathfulness of his wife, state whether he and she have lived together as man and wife, and whether he has cohabited with her since, if you know.

Ans. He has not lived with her, and if he has cohabited with her, I know nothing about it. I think if he had have been living with or cohabiting with her, I think, I would have heard something about it.

Ques. 11. Do you know how the said W.D. Dingus learned of the adulterous acts of his said wife?

Ans. He came to me, and accused me of having something to do with his wife, and after talking to me a while, I told him all about it. He came to me some time in last February about the matter.



And further this deponent saith Not.

J. H. Dingus

Virginia,

Lee County, to-wit:

I. W. K. Hopkins, a Commissioner in Chancery in and for the Circuit Court for Lee County, Virginia, do hereby certify that the foregoing deposition of J. H. Dingus, was duly taken, sworn to and subscribed before me at the time and place mentioned therein in the caption thereto, pursuant to the annexed notice.

Given under my hand this the 2nd, day of April, 1906.

I. W. K. Hopkins

Commissioner In Chancery.

Time employed in taking this deposition, One hour.

The foregoing depositions is excepted to because prematurely and improperly taken on Monday the <sup>1st</sup> day of the first April Rules, 1906, the rules to which the defendant was summoned to answer the plaintiff's bill, and before any decree Nisi was taken or issue made. The defendant had ~~those~~ days in which to answer said bill at said rules, and has on this the 3rd, day of April, 1906, filed her answer in said cause by her counsel, denying the allegations of the bill, and she <sup>said</sup> asks that the <sup>deposition</sup> be quashed and that the plaintiff be compelled to proceed regularly in the cause.

This April 3rd, 1906.

Ans & Noel for Def't.



W. S. Dingus

vs. } Deposition

Lizzie Dingus

Filed April 2, 1906  
J. H. Ewing,  
Clerk.

W. K. Hopkins 754D

(Initialed)



Do you want to leave  
with me are not  
if you do I want you  
to set the time and I  
will go if it is to  
morrow I want  
you to go with  
MRS. Lizzie

I will go by the 1st of  
April I would like  
to go now But is some  
thing is out there  
I will not go now  
But I will go if like  
Mother or Papa wanted  
to know if I was a  
going with you when  
you want off



and I would  
Be afraid to  
Woot but oh  
I Dont think for  
Moment that I  
to please or ~~flatter~~  
flatter you oh Dea  
take all mistakes for  
love with many kisses

The flowers that  
fore Bides that I should  
regret the hours  
When first we  
fondly met



my Dear Friend

I will answer  
your letter which I  
received on the door  
and ~~was~~ I was glad to hear  
from you oh how well  
I love you better than  
any earthly joys I  
hat that love, Bessie  
have been found out  
But we can stay  
around here a while  
and then leave here  
and never come back  
any more I will stay  
here until Will comes  
back Pap and Molly  
is mad and you  
must not say nothing  
about and ~~spoke~~  
must be kept a  
secret you as ever Lizzie  
with Mary x x x x x



To Lizzie Dingus

TAKE NOTICE THAT I shall on the 23 day of August 1906 at  
R. L. Pummpton's Law Office in Jonesville Va between the  
hours of 8 A. M. and 6 P. M., of that day, proceed to take the depositions of  
J. H. Dingus and others, which, when taken, are  
intended to be read as evidence in my behalf, in a certain suit in Chancery now  
pending in the Circuit- Court, of Lee County, Virginia, wherein you are Defendant  
and I am Plaintiff; and if, from any cause, the taking of said depositions be not com-  
menced on that day, or, if commenced, be not concluded on that day, the taking of the same will be adjourned and con-  
tinued from day to day, or from time to time, and from place to place, or at the same place, until the same shall be com-  
pleted.

Respectfully yours,

N. D. Dingus by  
Pummpton Bros Atty



VS.

Depositions.

Lizzie Dinges  
Crompton Bros. P. Q.

Executed on the 30  
day of July 1904  
by Delivering a true  
Copy of the within  
Notice to Lizzie  
Dinges D. H. McKee  
D. S. for P. M.  
Ball. S. L. C.  
Sheriff Cast 50



The deposition of J. D. Dingus, and others, taken before me M. G. Ely a commissioner in chancery, for the Circuit Court of Lee County, Virginia, pursuant to notice heretofore attached, at the law office of R. L. Pennington, in the town of Jonesville, Virginia, on the 23rd day of August, 1906, between the hours of 8 a.m. and 6 P. m. of this day to be read as evidence in behalf of the plaintiff in a certain suit in chancery pending in the Circuit Court for Lee County, Virginia, wherein W. D. Dingus is plaintiff and Lizzie Dingus if defendant.

Preseat, R. L. Pennington of  
Counsel for plaintiff.  
No one for defendant.

The taking of the depositions in the case above mentioned is hereby adjourned until the ~~4th~~ day of September, 1906, at the law office of R. L. Pennington in the town of Jonesville, between the same hours of the day as fixed in the notice.

M. G. Ely  
Commissioner in Chancery.

The taking of the depositions in this cause was this day resumed at the office of R. L. Pennington in the town of Jonesville, on the 4th day of September, 1906, pursuant to adjournment.

Present R. L. Pennington, atty for plaintiff.  
James W. Orr, atty for defendant.

Exception.

Defendant's counsel objects to the taking of any depositions in this cause until the plaintiff has performed the order of the court made herein on August 18th, 1906, by paying to the defendant the sum of \$25.00 to enable her to make defense to this suit, which sum has not been paid.

Orr and Noel, for defendant.

J. H. Dingus, a witness of lawful age being duly sworn deposes and says:



Ques. State your age, residence and occupation.

Ans. Age 27, reside at Kyles Ford, am 27 years of age.

Ques: Are you acquainted with ~~with~~ W.D.Dingus, and Lizzie Dingus, and how long have you known them?

Ans. I have known W.D.Dingus all my life, have known Lizzie several years. Lizzie Dingus was Lizzie Stacy before she was married.

Ques. When were W.D. and Lizzie Dingus married?

Ans. They were married in 1905, in the month of May.

Ques. How long did they live together?

Ans. They lived together from the time they were married up to the first of FebY, 1906.

Ques. Where does W.D.Dingus now live,

Ans. He lives in Lee County, and has lived in Lee County since about the middle of Jan. 1905.

Ques. Where did he live at the time of his separation from his wife?

Ans. In Lee County.

Ques: Do you know whether the said Lizzie Dingus, since her marriage with W.D.Dingus has been guilty of any acts of adultery, and if so with whom, and where and under what circumstances did it occur:

Ans. Yes I know of it. I went to Mileham Lewis's store on one Sat. evening, and came back by W.D.Dingus's house. He was away from home. She asked me to stay all night, I made excuse and did not agree to stay. She followed me into the yard, she begged me to stay all night and I told her I could not possibly stay that night. She asked me when I could come back. I saw that I could do something with her, and I said to her it would not do me any good would it for me to come back, and she said yes, if I would come back that we could have a good time. I agreed to come back the following Saturday night, and on the next Saturday night which was January the 14th I went back. I sat around the fire and we all ate supper, then we set around the fire and talked. Her little sister was in the back end of the house, and there was just me and her by the fire, she "scooted" her chair up to me and put her arm up on my shoulder and I reached over and pulled her over and hugged her and kissed her. I went and put up my horse then, and she sent her sister to unlock the crib. I came back and she had the beds fixed. Her sister



and her little child were in one bed and I pulled off my clothes and got in another bed. She laid down on the bed with her sister till she went to sleep and then she came and got in the bed with me. Pretty soon I had intercourse with her, and had intercourse with her four times that night and twice next day. She syed in the bed with me till day light next morning. I sayed there untill about 3 oclock next day. The children were out riding my horse while I was in the house with her. While I was there about 9 pr 10 o clock Sarah Fisher came there to boorow a bonnet to wear to meeting. I saw her but she did not come in the house. Some time after this I went there on Friday morning sayed all day, had intercourse with her that day, satyed all night and she slept with me, and I had intercourse with her during the night, and I sayed there during Saturday, had intercourse with her that day and syed all night with her, slept with her that night and had intercourse with her. I think this was in the last of Januaray. On my way to Laurel fork where I was going to get me a job I left a letter for her on the door, I went to Laurel Fork and did not get any job and came back, and come to her house, she invited me in, I ate supper and stayed all night, and she slept with me and I had intercourse with her that night, next morning I said something about going home and she said no, for me to go to the barn and she would bring my breakfast to me, and said for me to stay in the barn a day and she would come and stay with me in the barn that ~~night~~ day. I went to the barn and she came and brought me breakfast after her sister went to school. After she brought the breakfast she went to the house and a Johnson girl came there and stayed about two hours, and after she left she came and got up in the barn with me and I had intercourse with he twice that day. Her sister came from school and she sent her to the store for mail, and she got a letter from W.D. Dingus. Before this she had given me Will's pistol and wanted me to kill him with it.

Ques. Where was W.D. Dingus at thê times you mentioned above?

Ans. He was nôt at home, he was off some where selling frut trees trees, he had left home the 24th day of Dec.

Ques. I now hand you two papers, I will ask you to examine them and state what they are and who they are from, and to whom were they written



if you know?

Ans. They are notes written to me by Lizzie Dingus. I was at her house and she got ~~thex~~ my day book and pencil and wrote these notes to me. They were all written the same time.

Ques. Please file them.

Ans. I file them as requested.

Ques. Do you know whether W.D.Dingus has lived with Lizzie Dingus after he learned of her adultery.

Ans. He has not.

Ques. Did W.D.Dingus have any thing to do with the adulterous acts you have spoken of, in bringing it about?

Ans. He did not.

#### Cross Examination.

Ques. When did the intercourse first begin between you and the defendant

Ans. It began on the 14th night of last January.

When was the last act.

Ans. It was some where from the first to the 8th of last Feb.

Ques. Where have you lived since then?

Ans. In Hancock Co. Tenn.

Ques. Has the defendant given birth to any child.

Ans. She has had no child since she married the plaintiff.

Ques. When did you first inform the plaintiff in regard to the acts of yourself and the defendant.

Ans. He came home about the 13th of Feb., and on Sunday after this he came to my house, and I was not ~~xxx~~ there. He inquired for me and came to where I was, and on my way home with him ~~haxttxxxxxxxxxxxxx~~ he asked me about it, and I told him about it and gave him the two letters.

Ques. Have you and the plaintiff always been on friendly terms?

Ans. I have.

Ques. Are you married or single.

Ans. I was married 9 years ago the 8th day of last May. my wife is still living, and I was living with her at that.

Ques. Did Will live with his wife any after this?

Ans. He did not.



Ques. I believe that you state that you live in the State of Tenn, Hancock Co., how did it happen that you are over here testifying in this cause, and what fee do you get.

Ans. I do not get any fee. Will came to me and told me if I did not come he would have an attachment sowed out for me and delivered across the line, and on that account I agreed to come here.

Ques. How did she happen to suggest that you go in the barn loft and stay all day?

Ans. I said something about going home, and she asked me to go and stay in the barn.

Ques. When you informed the plaintiff in regard to yours and the plaintiff's conduct, did he show any anger or displeasure?

Ans. So far as I saw I did not know whether he was mad or not.

And further this witness saith not.

- J. H. Dingus

Virginia, Lee County, to wit:

I. M. G. Ely, Commissioner in Chancery for the Circuit Court for Lee County, do hereby certify that the foregoing deposition of J. H. Dingus, was this day duly taken, sworn to and subscribed before me this the 4th day of Sept., 1906, for the purpose in the caption mentioned. Given under my hand ~~and~~ this the 4th day of Sept., 1906 .

M. G. Ely, Comr.



M. D. Dingus.  
vs. { Deposition of  
      { Plaintiff  
Lizzie Dingus

Filed Sept. 4, 1906.  
H. C. P. Ewing,  
Clerk.

L. D. Dingus

Court fee 175 to Pater



I/ Wm. Stacy, do solemnly swear that I am personally acquainted with W. D. Dingus and Lizzie Dingus, his wife, the said Lizzie Dingus being my daughter; that the said Lizzie Dingus is going on twenty-one years of age as I now remember, and that the said Lizzie Dingus has no money or property, real or personal of any kind, and consequently is not able to pay an attorney's fee to an attorney to defend the suit instituted and now pending in the Circuit Court of Lee County, Virginia against her or to support herself and child, by W. D. Dingus; that the said Lizzie Dingus is the mother of one child now about two years old, that the said W. D. Dingus is the owner of a tract of land in Lee County, Virginia, worth perhaps \$700.00. He is also the owner of some personal property worth perhaps from \$150.00 to \$200.00, and that the said Lizzie Dingus has spoken to Orr & Noel, attorneys to defend for her the said suit. So help me God.

Wm Stacy

Virginia, Lee County, to-wit:

I, A. O. Brown, a notary public in and for the County and State aforesaid, do certify that Wm. Stacy this day personally appeared before me in my said County and made oath that the facts stated in the foregoing affidavit are true to the best of his knowledge and belief. And he subscribed his name to the said affidavit in my presence.

Given under my hand this the 13th day of August, 1906.

A. O. Brown N. P.



Lizzie Dingus  
ado<sup>3</sup> Affidavit.  
W. D. Dingus.

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Mr. W. D. Dingus,

You will please take notice that on the 18<sup>th</sup> day of August, 1906, at the dwelling house of H. A. W. Skeen, in the town of Big Stone Gap, Virginia, I will make a motion before said Skeen as Judge of the Circuit Court of Lee County, Virginia, in vacation, for an order requiring you to pay to me, or my attorneys, Orr & Noel, the sum of \$100.00 for temporary alimony and suit money for the temporary support of myself and infant child, and to enable me to defend the suit you have instituted against me in said court. I having no money or means with which to support myself or to defend said suit.

August 13<sup>th</sup> 1906.

Lizzie Dingus.  
By Orr & Noel, attys.



Lizzie Dingus.

vs } Notice

W.D. Dingus.

~~Legal service of this~~  
~~Notice is accepted.~~  
~~Aug. 13<sup>th</sup> 1906.~~

Executed by delivering  
a copy of the within  
Notice to W.D. Dingus.  
Aug. 13<sup>th</sup> 1906.

C. E. Hennigh

For P.M. Ball

S.L.C.



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

*again*  
WE COMMAND YOU, That you summon *Lizzie Dinges*

CHANCERY  
IN  
SUBPENA

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on  
the *1st* Monday in *August*, 190*6* to answer *an amended* bill in chancery exhibited against

*her by W. D. Dinges*

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *29*  
day of *June*, 190*6*, and 1 *30* year of the Commonwealth.

A Copy, Teste:

*H. C. T. Ewing*, Clerk.

\_\_\_\_\_, Clerk.



Chiff Cost  
50

W. D. Dingus

VS

}

SUBPOENA  
IN  
CHANCERY.

Lizzie Dingus

Per. Bros. p. q

To 1st August Rules.

Lee Circuit Court.

1906

Executed on the 30 day of  
July 1906 by delivering a true  
copy of the within  
summon to Lizzie  
Dingus D. St  
Mahar D. S. for  
R. M. Ball & Co



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

*Lizzie Dinger*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on  
the 1<sup>st</sup> Monday in April, 1906, to answer a bill in chancery exhibited against her

by W. D. Dinger

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the 1<sup>st</sup>  
day of March, 1906 and 130<sup>th</sup> year of the Commonwealth.

A Copy, Teste:

*H. C. T. Ewing*, Clerk.

\_\_\_\_\_, Clerk.



W. D. Dingus

VS

SUBPOENA  
IN  
CHANCERY.

Sizzie Dingus

Dunsmuir Bros p. q

To 1<sup>st</sup> April Rules, 1906 Rules.

See heret Court.

Executed on the 10 day  
of March, 1906 by  
delivering a true copy  
of the within subpoena  
to Sizzie Dingus. This  
the 10 day of March, 1906

D. H. Mahon D.S.  
for Bone & Bone  
S. L. Lee



W. L. Singus

vs. Bee

Lizzie Singus.

1<sup>st</sup> April Rules 1906.

Bill filed Spa. Ex  
cedited.

2<sup>nd</sup> April Rules 1906.

Cause Set for hear-  
ing.

Clerk	\$6.93
Shiff.	2.00 Rd
Day.	1.50
Atty.	15.00
	<hr/>
	\$25.43

Final Sept. Term  
1906.

1900 to 10.